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**Decision date: 13 December 2019**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erect dwelling within garden ground  
At 79 Durham Square Edinburgh EH15 1PP

**Application No: 19/04925/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 16 October 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.
2. The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The

introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.

3. The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.

4. The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.

5. The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02A, 03A, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Christopher Sillick directly on 0131 529 3522.

*D R Leslie*

**Chief Planning Officer**

**PLACE**

**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

## Application for Planning Permission 19/04925/FUL At 79 Durham Square, Edinburgh, EH15 1PP Erect dwelling within garden ground

Item	Local Delegated Decision
Application number	19/04925/FUL
Wards	B17 - Portobello/Craigmillar

### Summary

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The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU04, NSG, NSGD02,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The application site is currently the garden ground of No. 79 Durham Square, a detached bungalow located on a corner plot on the north side of Durham Square where it meets Durham Gardens North. The surrounding area is characterised by traditional bungalows, with hipped roofs.. Access to the proposed property will be via the a new driveway accessed via Durham Gardens North.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

The application is for planning permission for the erection of a four bedroom, one and half storey, house with a mono pitched roof, in the garden grounds of No. 79 Durham Square. The existing plot would have to be subdivided in order to form two domestic curtilages. The subdivided plot would be 13.8 metres wide and approximately 18.94 metres deep.

The proposed house would be approximately 10 metres deep and approximately 11.3 metres wide.

Parking would be located within the curtilage of the proposed dwelling.

The dwelling would externally finished in timber vertical boarding, black larch and aluminium framed window units.

It is proposed that a 2 metre high timber fence be erected along the new boundary formed between No.79 and the application site. New timber panelling would be added to the existing brick boundary wall to the east of the application site increasing the overall height of the boundary treatment to 2 metres. This would be a continuation of panelling already in place further down the wall.

The proposed increase in the extent of hard surfacing within rear garden is permitted development under class 3C of the Town and Country Planning (General Permitted

Development) (Scotland) Order 1992 (as amended). No further assessment of its merits is required.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, it needs to be considered whether:

- (a) The principle of development at this location is acceptable;
- (b) The proposal is of an appropriate scale, form and design;
- (c) The proposal is acceptable in terms of density and spatial pattern;
- (d) The proposal will result in a satisfactory residential environment;
- (e) The proposed use would result in any loss of amenity;
- (f) Road safety has been addressed; and
- (g) Public comments have been addressed.

#### **a) Principle of Development**

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail in sections 3.3 b, c, d, e and f below.

Overall the site is not compatible with other policies in the plan and therefore the principle of housing development at the site is not acceptable.

#### **b) Scale, Form and Design**

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area. LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

In this instance the design of the proposed dwelling does not relate to other buildings in the surrounding area. The area is characterised by detached, mid 20th century bungalows, with slate, hipped roofs and a range of materials which includes render, stone and brick. The height of the detached bungalows is limited to approximately 7 metres. The proposed dwelling does not make use of any of these materials. The design instead is modern and makes use of a range of timber cladding. The proposed dwelling will also have a mono pitched roof which varies in height from 3.5 metres at its lowest, to 7.5 metres at its highest. The proposed design takes no cues from the surrounding area. It will instead stand apart from the other buildings in the area. This will be exacerbated by its visually prominent location, the different design of its roof and its excessive height in comparison to the surrounding properties.

It is also noted that the proposal would result in a substantial loss of greenspace. Of the original 320 square metres of rear garden only 60 square metres would remain as greenspace. This is not characteristic of the area; however it is recognised that permitted development legislation would allow the reconfiguration of hard and soft landscaping in this garden as the site is not located in a conservation area.

Although the position of the proposed dwelling lines up with the established building line of the street set by No. 79 and No. 15 Durham Avenue in line with guidance, the scale of the building means it dominates the plot. The proposed dwelling will be only 1.2 metres from the boundary to the south which it would share with No. 79 Durham Square. It will be only 2.2 metres away from the boundary to the north which it would share with 15 Durham Avenue. The proposed dwelling would also sit within 3 metres of the boundary to the west which it would share with No. 77 Durham Square. The proposed curtilage of the new dwelling would reach a maximum depth of 5.7 metres to the front of the property; whilst the new house itself would be located only 2.2 metres from the neighbouring No. 79 Durham Square to the South. The proposed subdivision of the garden of No. 79 would result in the loss of 78 % of the applicant's rear garden which represents overdevelopment of the plot. The Design Statement provided with the application suggests the proposed development would be similar in arrangement to No. 3 Durham Gardens North, located across the road to the east. However, whilst No. 3 is contemporary with other buildings in the area. It is not a new build property. Although it is located similarly close to the neighbouring boundary to the south, there is still approximately 8.75 metres between the neighbouring properties, well in excess of the distance in this proposal. In addition, the rear curtilage of No. 3 reaches a depth of 13.3 metres. This is well in excess of the curtilage of the application site.

With consideration of the above the proposed 1.5 storey dwelling is incompatible with the surrounding context. It does not respect the character and appearance of the surrounding area and therefore does not comply with policy Des 1 or Policy Des 4.

#### c) Density and Spatial Pattern

Policy Hou 4 on Housing Density states the Council will seek an appropriate density of development on the site having regard to:

- its characteristics and those of the surrounding area;
- the need to create an attractive residential environment and safeguard living conditions within the development ;



- the accessibility of the site includes access to public transport; and
- the need to encourage and support the provision of local facilities necessary to high quality urban living.

The existing house is part of an established residential area, defined by a strong rhythm of long plots with houses fronting onto the street with generous private rear gardens. There is a clear articulation of private and public spaces. This is a settled townscape with a strong urban grain. The proposed scale, siting and layout of the new dwellinghouse by virtue of subdividing the existing rear garden plot to the main house and positioning one detached houses will adversely disrupt the spatial rhythm of the area and will result in a development which is out of character with the area and the positive characteristics that make it a high amenity residential suburb. The area is very low density and this proposal seeks to alter the density of the site to such a degree it disrupts the established character of the area and does not create an attractive residential environment.

The site is not particularly accessible by public transport and is likely to generate significant car movements which is contrary to the Council's ambition to reduce car usage in the City. No justification has been given in terms of supporting local facilities. The proposal is contrary to policy Hou 4.

#### d) Residential Environment

Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. Policy Des 5 states it should be demonstrated that the design of a proposal will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses.

To ensure amenity space is sufficient for the use and enjoyment by occupiers and to ensure there is scope for dwellings to be developed over time to suit the changing needs of occupiers, a minimum depth of 9 metres is recommended for residential gardens. In this case the space to the rear of the application site only reaches a depth of 3 metres; whilst the front curtilage (which would be the main amenity space linked to this property) would only reach a depth of 5.7 metres. The amenity space to the front of the property would be compromised by the introduction of a driveway. This would leave a space of approximately 37 square metres to the front of the property for the amenity of the occupiers. The dimensions of the space do not comply with guidance and would not be in keeping with the rest of the area where larger gardens are characteristic of the area. In addition, the proposed amenity space is largely public and private space is limited: there is no opportunity for this space to be used for a range of activities as suggested in the Edinburgh Design Guidance.

The proposed subdivision of the garden of No. 79 would also detrimentally impact the amenity of the occupiers of the existing property. The depth of the rear curtilage would be reduced to 4.6 metres. This is contrary to guidance. The rear curtilage would have a total area of 71 metres; a loss of almost 78 % of the space. The limited amenity space available to both properties is contrary to Local Development Plan policy Hou 3. The limited space in the new curtilage of the proposed development and the remaining curtilage of No. 79 will not allow opportunity for any further development or useable space and is contrary to policy Des 5.

#### e) Neighbouring Amenity

Given the height of the proposal and the orientation of the development in relation to neighbouring gardens it is anticipated that the proposal would result in 13 square metres of the garden ground of No. 15 Durham Avenue. Given the large size of the garden of No. 15 and that the affected area is largely covered by a garage, this is considered acceptable. The proposal would not result in overshadowing of the neighbouring ground to the west or the south.

The proposal complies with the 45 degree daylighting criterion outlined in Edinburgh Design Guidance. The proposal would not result in a loss of daylight to neighbouring windows.

The revised scheme has removed a window from the first floor of the north elevation. This window would have overlooked the neighbouring property to the south. The revised scheme has no windows on the side elevations which would look onto neighbouring properties. Windows located on the rear elevation, looking to the west, will be screened by an existing boundary wall and vegetation. The rooflights to the rear of the property are at such a height and angle that they would not offer a view of the neighbouring property. New windows looking onto Durham Gardens North would be approximately 22 metres away from properties on the east side of the road. This is in excess of the 18 metres recommended in guidance.

The proposed development would not result in a loss of neighbouring amenity in terms of daylight, sunlight or privacy.

#### f) Road Safety and Parking

The Roads Authority was consulted on this application and raised no objection. It was noted that the proposed 2 car parking spaces does not comply with the 2017 parking standards which permits a maximum of 1 car parking space for a development of this size and nature in zone 2. However, the proposed driveway is currently designated as "private access" of which the Council as Roads Authority has no control over, meaning the owner can park as many vehicles on this area as they like.

#### g) Public Comments

The application received four representations within the notification period, all objecting to the application. The content of these representations is summarised and addressed below:

##### **Material Representations**

- Overdevelopment of the site which would result in a lack of amenity space; this is addressed in Section 3.3c.
- The development will exacerbate issues related to traffic and parking; this is addressed in Section 3.3e.
- The application will result in a loss of daylight to neighbouring properties; this is addressed in 3.3d.
- The application will result in loss of sunlight to neighbouring properties; this is addressed in 3.3d.

- The application will result in a loss of neighbouring privacy; this is addressed in 3.3d.
- The height of the property and choice of materials are out of character with the area; this is addressed in 3.3a.
- The proposal will result in a loss of greenspace and increase urban creep; this is addressed in 3.3a.

#### **Non-Material Representations**

- The proposal will lead to the removal of a laurel bush and tree; the applicant is within their rights to remove trees and vegetation on their own land. No TPO is in place.
- The proposal will have an impact on the water supply and drainage; this is an issue for Building Standards.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Reasons:-**

1. The proposal is contrary to policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.
2. The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.
3. The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.
4. The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.
5. The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.

## Risk, Policy, compliance and governance impact

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**4.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## Equalities impact

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### **5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## Consultation and engagement

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### **6.1 Pre-Application Process**

There is no pre-application process history.

### **6.2 Publicity summary of representations and Community Council comments**

The application attracted four letters of representation, all objecting to the planning application.

A full assessment of these representations can be found in the main report in the Assessment section.

## Background reading / external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development****Plan Provision**

Edinburgh Local Development Plan.

**Date registered**

16 October 2019

**Drawing  
numbers/Scheme**

01, 02A, 03A,  
  
Scheme 2

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer  
E-mail:christopher.sillick@edinburgh.gov.uk Tel:0131 529 3522

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

#### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## Consultations

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### TRANSPORTATION

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see [http://www.edinburgh.gov.uk/info/20069/local\\_plans\\_and\\_guidelines/63/planning\\_guidelines](http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines) including:
  - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
  - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
  - c. Any gate or doors must open inwards onto the property;*
  - d. Any hard-standing outside should be porous;*
  - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)**
- 2. Electric vehicle charging outlets should be considered for this development;*
- 3. Secure and covered cycle parking should be considered for this development;*

*Note:*

*The proposed 2 car parking spaces does not comply with the 2017 parking standards which permits a maximum of 1 car parking space for a development of this size and nature in zone 2. However, the proposed driveway is currently designated as "private access" of which the Council as Roads Authority has no control over, meaning the owner can park as many vehicles on this area as they like.*

END



# Comments for Planning Application 19/04925/FUL

## Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

## Customer Details

Name: Mr Ross Hunter

Address: 15 Durham Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With reference to the above planning application, I can confirm the following. My family and I own and reside within 15 Durham Avenue, which is located directly behind 79 Durham Square, meaning that we share a boundary wall at the bottom of both gardens (north and south respectively). I recently received neighbour notification of this proposal, which prompted me to review the online portal leading to the following concerns.

With reference to the 'Design and Access Statement' I would like to highlight the following.

The new house would face onto Durham Gardens North and would take its access directly via an existing opening in the brick boundary wall. That said in the planning application the applicant has indicated that they are 'proposing a new altered access to or from a public road'? The Design and Access statement also talks about Durham Gardens North being quiet which I would disagree with. Traffic and Parking in the local area is frequently congested by people travelling to attend at the Doctors surgery, two local schools and will be further affected by the new flats being built on Durham Road. It is one of 4 access/egress routes into Durham Square and is already used by several local residents for parking cars on (Traffic & Parking issues). The access gate for this development will be located approximately 1 metre (or less) from our driveway located at the boundary wall on Durham Gardens North. I already experience difficulty on occasion accessing my driveway due to parked cars on Durham Gardens North, which will only get worse with this proposal.

The Design Access Statement talks about the boundary wall to No.79 remaining unaltered, with timber panels installed behind the wall to raise the boundary of the proposed dwelling to 2 metres in height. With reference to the drawings documented on 1795(PA)02A this appears to refer only to the front, rear of the new build property and to the new 2m high timber boundary fence which

will be to No 79's side, nothing to our side of the build!

The side of the new build property will be located on our boundary wall and no consideration has apparently been given to our privacy, sunlight/daylight and shadow, which will be cast from this tall building (Loss of sunlight or daylight, overshadowing, Privacy). Effectively three of the 4 sides appear to have screening consideration but nothing for our side.

In fact, the existing aesthetically pleasing and environmentally friendly laurel bush and tree (not included in drawings), which provides some boundary privacy, is being removed according to the above drawings.

As above, reference is made in the Design and Access Statement to 'respect for privacy of neighbours' and to 'ensure the dwelling will not overshadow existing amenity space'. Once again, this is not factual. Given that this development will be directly on our boundary wall, I fail to see how a two storey property, which according to drawing 1795(PA)01A elevates to approximately 7.5metres in height (7475mm) will not overshadow our garden, which as I'm sure you will appreciate is a focal point in our everyday family life. In reality, this project will significantly overshadow a large portion of our garden, not to mention reducing the amount of light into our main living area of our house.

I also note with great concern that the drawings on 1795(PA)01A illustrate the side of the building (which my family will be looking directly at) to have a window, which in its elevated position will look straight into our back garden, our living room, family bathroom and my daughter's bedroom all of which are located at the rear of our property. The illustration actually shows the silhouette of a person standing in this position looking in the direction of our property. This silhouette, according to drawings 1795(PA)01A would be standing in the living room of the proposed development (1st floor roof height approx. 5 metres), therefore this will be a well-used room, giving us absolutely no privacy whatsoever. Drawing 1795(PA)02A is a miss representation of height. The room the two people are standing in would be the living room on the first floor (looking onto our property to the side). There is reference made to the rear of the property only being single storey, which apparently minimises the impact on daylight levels preventing overshadowing of the garden at 77. This may be acceptable to number 77 but does not assist us in anyway who will be faced with staring at the side (highest point) of an unsightly building with a large shadow cast into our garden and people potentially looking onto our living space throughout the day and night. This is not to mention the increased noise and disturbance this project and subsequent additional residents will bring to the area.

With reference to the 'contemporary modern design' and 'not having a detrimental impact on the area' I would strongly disagree with this also. The area is full of traditionally built bungalows, which are full of character and are very sought after. I fail to see how erecting a contrasting building, which is completely different to what is already there can be seen as a positive. It will look completely random and out of place. On this point, reference is made to a similar completed

project which was built within the garden ground of 38 Mountcastle Drive South. This new build building cannot be described as complementary to the area and with all due respect to the owners appears to have been forced into a very small plot, with virtually no amenity space.

Reference is made in the 'Design and Access Statement' to the property located at number 3 Durham Gardens North as having been built as a result of similar circumstances. Number 3 Durham Gardens North has been built to appear like a traditional bungalow and in my opinion does not look out of place. It is also only single storey high, therefore not having the same privacy issues as this development. In addition, it has not been erected directly on boundary walls.

This project will invariably have an impact on the local water supply, drainage & traffic. Reference is also made in the application suggesting that 'No' arrangements have been made for sustainable drainage of water eg SUDS, which could breach environmental legislation. No documentation has been supplied in respect of this.

As documented by the BBC on 14th October 2019, the size of nine football pitches is being lost each year in Edinburgh to 'Urban Creep'. This study found that Urban Creep causes problems because it reduces the amount of open land which can absorb rain water, putting extra pressure on drains and increasing the risk of localised floods due to excess runoff.

To re-emphasise the point, no reference or consideration has been given whatsoever to our property which will be one of the most affected by this project. I cannot understand how this is deemed acceptable to completely disregard our privacy and garden light in favour of this project.

This will also create a precedent, which could lead to these unsightly developments appearing across the neighbourhood, impacting hugely on quality of life issues. At very least consideration should be given to limiting this proposed development to single storey with no elevated side windows (above boundary wall) looking onto our property. Also moving the new build a reasonable distance away from our boundary wall. Although this would not address all of the issues it would at least reduce the unacceptable level of privacy intrusion and shadow which has been proposed in these plans.

I therefore respectfully request that this objection be carefully considered before any decision is made.

I have previously provided relevant photographs, which hopefully help to put the above into context.

# Comments for Planning Application 19/04925/FUL

## Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

## Customer Details

Name: Mrs Christine MARR

Address: 3 Durham Gardens North EDINBURGH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this new building on several points mostly raised from reading the Access Statement. This building will give the area a cramped feel. The design, looking like an office straight from a Business Park, is totally out of place with the traditional existing bungalows from the 1930s, I cannot understand the architect bragging that the building will "contrast" with the old, for contrast, read "stick out like a sore thumb". It would certainly have a detrimental impact on the area which would be diluted.

The extra windows to the front at roof height are what could be described externally as a second floor. If they were deleted and an adjustment made to the roof it would be slightly better. Better still if it has to be built, is for the design to blend in with the existing buildings.

The building would also seem to be unnecessarily large with four double bedrooms. A new modern building shoehorned into ONE rear garden cannot complement the area. My house, opposite, (3 Durham Gardens North), is built on what could be mistaken for the rear garden of another house, it is however in what could have been TWO gardens and was BUILT AT THE SAME TIME as the two houses in question therefore not really setting a precedent.

The distance of 22 metres between my house and this proposed building is a magical distance for privacy, I can see more than 22 metres so I assume that people on the first floor of the new house would be able to look directly into my bedroom and front room. I would have to make my own privacy arrangements.

The "new" dreadful building at the rear of 38 Mountcastle Drive South has only received negative comments in my experience, even years after it was built, people ask "how did they get away with that".

The garden at 1 Durham Square mentioned had a larger garden but chose to build a large extension thereby leaving a much smaller garden. I objected to that at the time however was unsuccessful. People all around have chosen to live in the area as it was, it is questionable if they would still choose to purchase if this building goes ahead.

To rewrite the last paragraph correctly, "In summary the proposal for a dwelling would NOT sit well within the ALREADY TIGHT density of bungalows and detached dwellings in the existing area. The proposal WOULD BE DETRIMENTAL to the character of the area".

# Comments for Planning Application 19/04925/FUL

## Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

## Customer Details

Name: Mr Stuart Hope

Address: 16 Durham Ave Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is out of character with property in the surrounding area the style of proposed dwelling should be of traditional design and of single storey only as in existing area

# Comments for Planning Application 19/04925/FUL

## Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

## Customer Details

Name: Mr Gavin Weir

Address: 6 Durham Square Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Blatant over-development of a space far too small to contain another house.

There would be a severe lack of amenity space around the property.

**From:** Stuart Hope  
**Sent:** Sat, 22 Feb 2020 09:21:56 +0000  
**To:** Local Review Body  
**Subject:** Re: Notice of Local Review No 19/04925/FUL

my observations are the same as on the original application

1. the proposed development is out of character with the property,s in the area.
2. the style and materials to be used are do not match existing property,s
- 3 the density of the proposed building is out of character with the other buildings in the area i.e two buildings in the space originally allocated for one building when the other property,s in the area are evenly divided

thank you

S M Hope

On Tuesday, 18 February 2020, 10:46:16 GMT, <localreviewbody@edinburgh.gov.uk> wrote:

Please See Attached This email is to inform you that a local review has been received for a planning application that you commented on .

\*\*\*\*\*

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

\*\*\*\*\*





Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100189289-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: Niall Young Architecture Ltd.

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Susan

Building Name:

32/12 Hardengreen Business Park

Last Name: \*

Smith

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Dalhousie Road

Extension Number:

Address 2:

Eskbank

Mobile Number:

Town/City: \*

Dalkeith

Fax Number:

Country: \*

Scotland

Postcode: \*

EH22 3NX

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Derek"/>	Building Number: <input type="text" value="79"/>
Last Name: *	<input type="text" value="Brodie"/>	Address 1 (Street): * <input type="text" value="Durham Square"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH15 1PP"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="79 DURHAM SQUARE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH15 1PP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673136"/>	Easting	<input type="text" value="330003"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

The proposal is to build a single dwelling within the North area of the garden ground of no. 79 Durham Square.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We believe that the proposed new dwelling is not detrimental to the character of the area. It is a high quality, well designed contemporary building, its position respects the building line and it does not impact on the privacy of neighbours. While it is acknowledged the amenity space of the proposed new dwelling is less than that of other properties in the area, it is similar to precedents such as 38 Mountcastle Drive South. With this in mind, we hope that you consider our appeal favourably.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

(1) Planning Appeal Statement (2) Architects Drawings (3) Architects Drawings 2 (4) Decision Notice (5) Original Application

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/04925/FUL

What date was the application submitted to the planning authority? \*

14/10/2019

What date was the decision issued by the planning authority? \*

13/12/2019

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Dr Susan Smith

Declaration Date: 17/02/2020

### **Planning Appeal Statement**

This report provides the grounds of Appeal against the decision to refuse Planning Permission for the proposed two-storey dwelling at 79 Durham Square, Edinburgh, EH15 1PP – Application no. 19/04925/FUL.

The reasons for the Council's decision to refuse the application were stated as follows:

*'The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.'*

We will address each of the specific reasons in turn.

**Reason for refusal 1:** *'The proposal is contrary to policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.'*

**Response:** It is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

**Reason for refusal 2:** *'The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.'*

**Response:** The original dwelling on this site at 79 Durham Square has a brick wall to 1500mm high and mature shrubbery affording privacy to the East garden area. The existing garage/workshop would be removed as part of this proposal. The amenity space of the original dwelling at 79 Durham Square, following implementation of the proposal, would therefore be comparable to the garden amenity space at 1 Durham Square and larger than that at 3 Durham Square. Similar again to the example at 38 Mountcastle Drive South, the proposed new dwelling at 79 Durham Square has private amenity ground at the front of the property. Following the steer towards increased amenity space, the proposed grassed area has now been increased by a further approx. 12m<sup>2</sup> which still allows sufficient car parking space. The width of the space along the North side of the proposed dwelling has also increased by 1m (with an equivalent reduction in footprint of the dwelling). The existing boundary wall and proposed timber fencing ensure the garden ground is private space. Windows that were proposed in the side elevations have been removed since the initial proposal was made.

The proposed new dwelling has been designed to respect the privacy of neighbours and to ensure the dwelling will not over-shadow existing amenity space. The building is only single storey to the rear to minimise impact and to maintain daylight levels and prevent overshadowing of the garden ground of 77 Durham Square.

Again, it is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

**Reason for refusal 3:** *'The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.'*

**Response:** In terms of the provision of amenity space and privacy aspects of 'over-development', this is addressed in our other responses within the statement. In addition, whilst the proposal may prevent opportunities for adaptability for the future needs of different occupiers, it may instead better meet their needs, as it does the current occupier/applicant.

**Reason for refusal 4:** *'The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.'*

**Response:** As previously stated, the original dwelling on this site at 79 Durham Square has a brick wall to 1500mm high and mature shrubbery affording privacy to the East garden area. The existing garage/workshop would be removed as part of this proposal. The amenity space of the original dwelling at 79 Durham Square, following implementation of the proposal, would therefore be comparable to the garden amenity space at 1 Durham Square and larger than that at 3 Durham Square. Similar again to the example at 38 Mountcastle Drive South, the proposed new dwelling at 79 Durham Square has private amenity ground at the front of the property. Following the steer towards increased amenity space, the proposed grassed area has now been increased by a further approx. 12m<sup>2</sup> which still allows sufficient car parking space. The existing boundary wall and proposed timber fencing ensure the garden ground is private space.

**Reason for refusal 5:** *'The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.'*

**Response:** Once again, it is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

To conclude, we believe that the proposed new dwelling is not detrimental to the character of the area, that its position respects the building line and that it has minimal, if any, impact on the privacy of neighbours. While it is acknowledged the amenity space of the proposed new dwelling is less than that of the majority of other properties in the area, it is similar to that of precedents such as 38 Mountcastle Drive South. With this in mind, we hope that you consider our appeal favourably.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100189289-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

The proposal is to build a single dwelling within the North area of the garden ground of no.79 Durham Square.

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent



## Agent Details

Please enter Agent details

Company/Organisation:	Niall Young Architecture Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Susan	Building Name:	32/12 Hardengreen Business Park
Last Name: *	Smith	Building Number:	
Telephone Number: *		Address 1 (Street): *	Dalhousie Road
Extension Number:		Address 2:	Eskbank
Mobile Number:		Town/City: *	Dalkeith
Fax Number:		Country: *	Scotland
		Postcode: *	EH22 3NX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Derek	Building Number:	79
Last Name: *	Brodie	Address 1 (Street): *	Durham Square
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH15 1PP
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

79 DURHAM SQUARE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH15 1PP

Please identify/describe the location of the site or sites

Northing

673136

Easting

330003

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

710.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Dwelling.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">1</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: \* (Max 500 characters)

Proposed bin storage area shown on drawing 1795(PA)02A.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Susan Smith

On behalf of: Mr Derek Brodie

Date: 14/10/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Dr Susan Smith

Declaration Date: 14/10/2019

## Payment Details

Pay Direct

Created: 14/10/2019 14:07

### Proposal Details

Proposal Name	100189289
Proposal Description	To build a single dwelling within the North area of the garden ground of no. 79.
Address	79 DURHAM SQUARE, EDINBURGH, EH15 1PP
Local Authority	City of Edinburgh Council
Application Online Reference	100189289-003

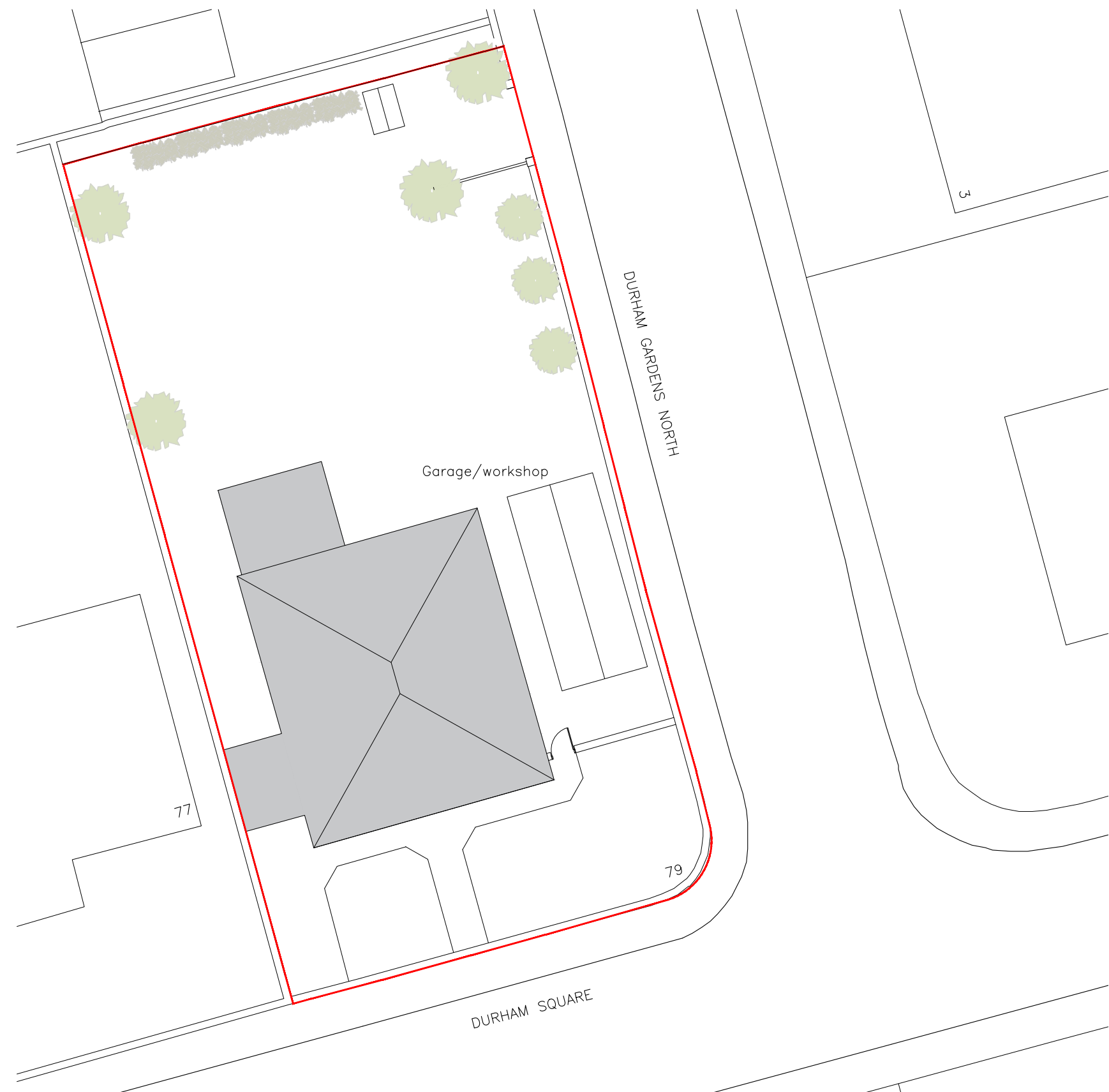
### Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

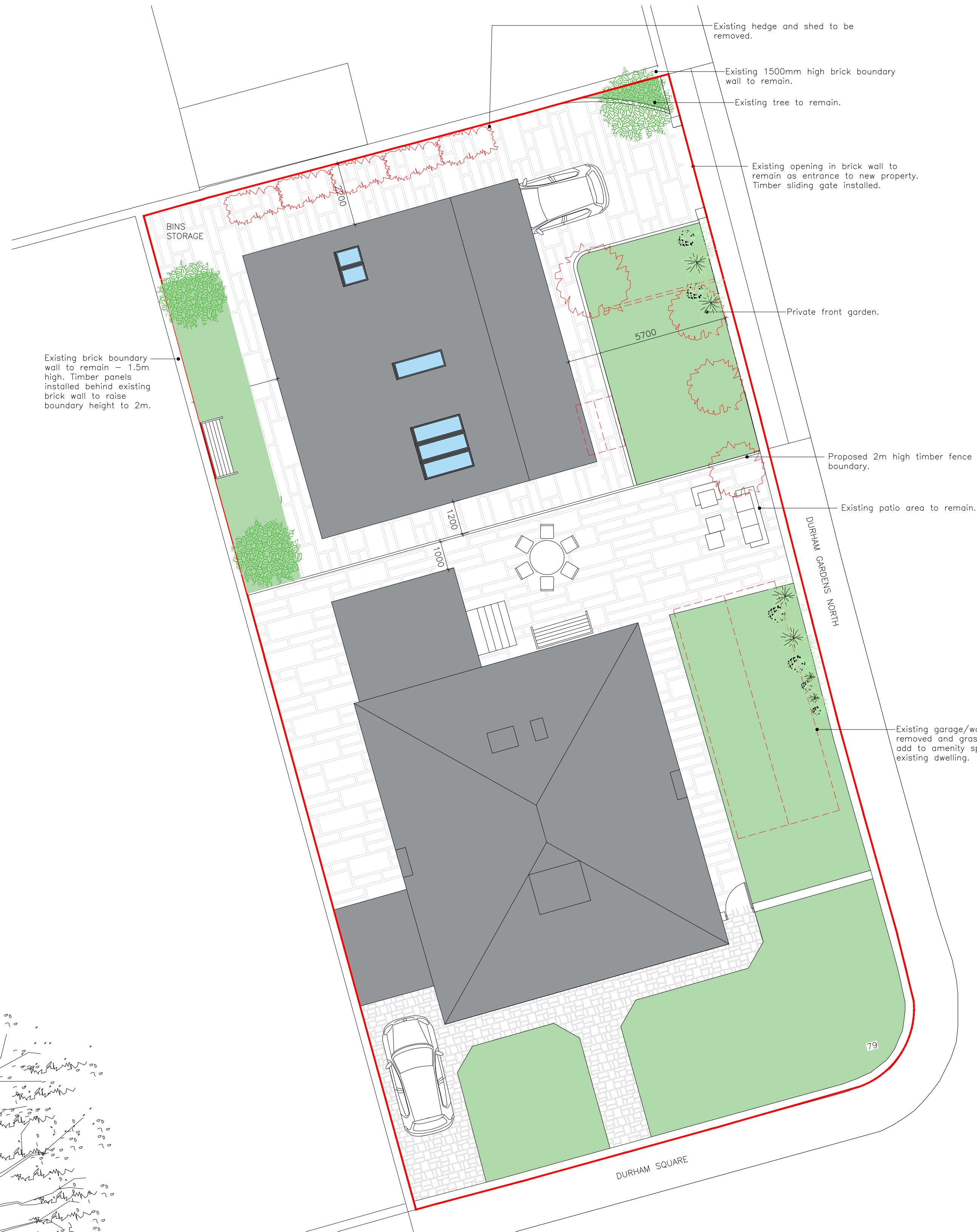
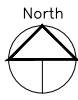
### Attachment Details

Notice of Review	System	A4
Planning Appeal Statement	Attached	A4
Architect drawings	Attached	A1
Architect drawings 2	Attached	A1
Decision notice	Attached	A4
Original Application	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

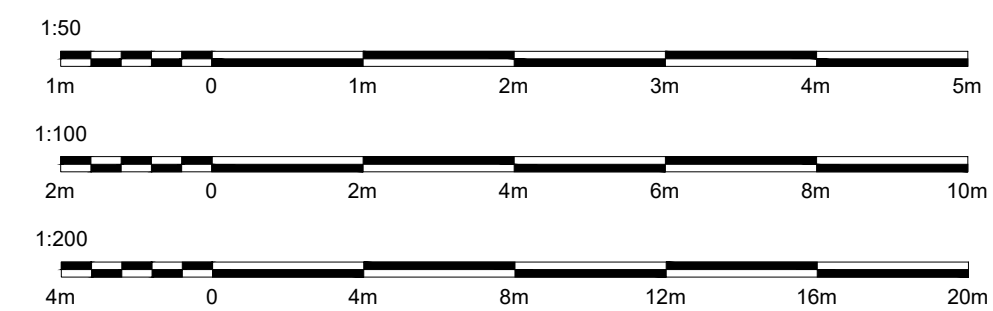
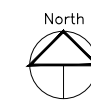




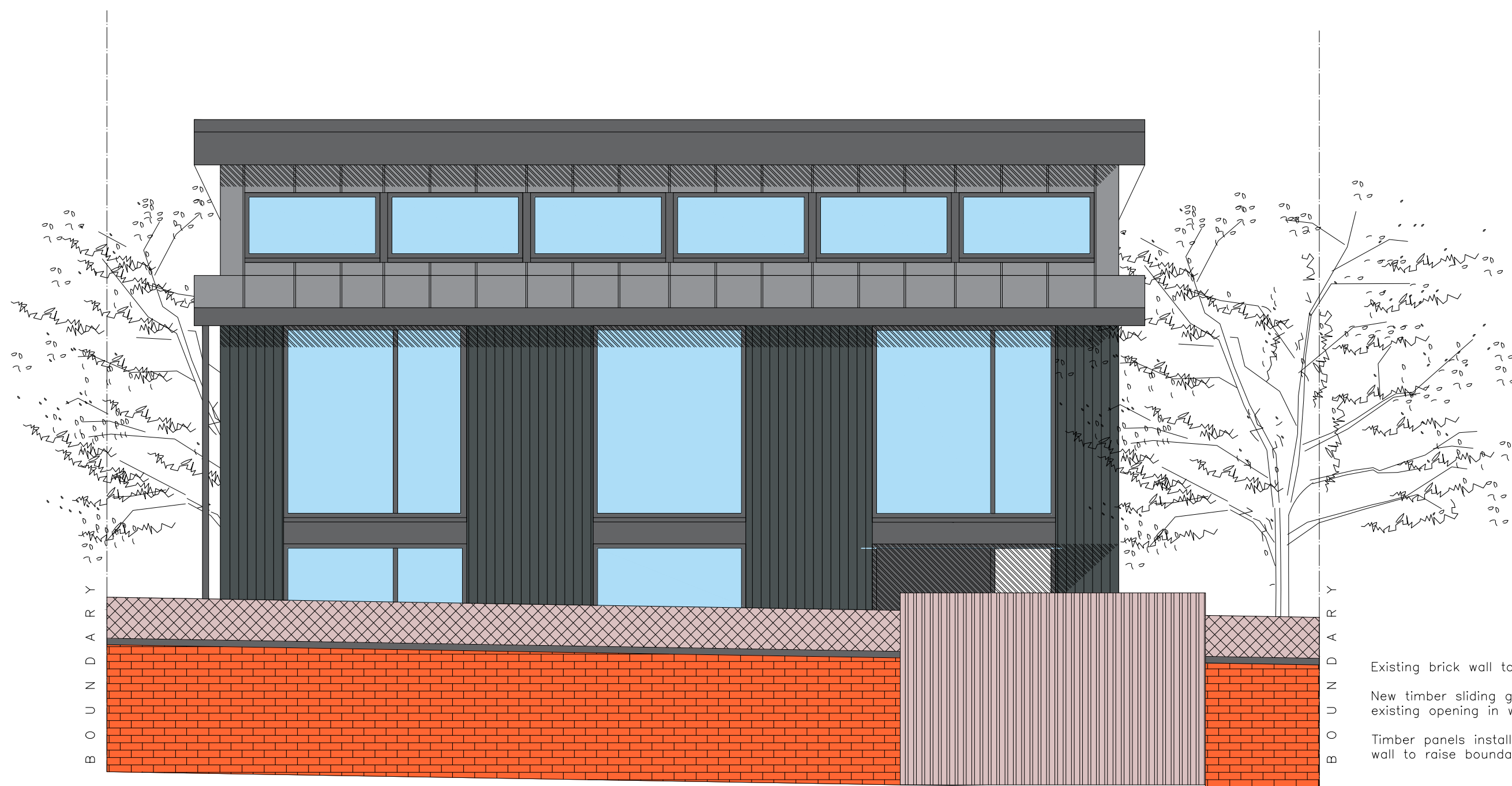
SITE PLAN AS EXISTING  
1:200



SITE PLAN AS PROPOSED  
1:100



Existing brick wall to remain.  
New timber sliding gate to be installed at existing opening in wall.  
Timber panels installed behind existing brick wall to raise boundary height to 2m.  
FGL - Varies



CONTEXTUAL FRONT ELEVATION AS PROPOSED - VIEWED FROM DURHAM GARDENS NORTH  
1:50

#### SCHEDULE OF MATERIALS

WINDOWS: Triple glazed; black aluminium frame.  
ELEVATIONS: Timber vertical boarding, black larch.  
ROOF: Sheet metal, zinc standing seam.  
RAINWATER GOODS: Metal.

NOTE: THIS DRAWING IS TO READ IN CONJUNCTION WITH DRAWING 1795(PA)01B AND ALL OTHER RELEVANT INFORMATION.

B	Dimensions and distance from boundary amended.	FN	04/12/19
	Grassed area at front of proposed house extended.	SVS	10/12/19
	Position of windows altered.		
A	External wall finish changed from brick to black larch timber vertical boarding on elevation.	SVS	12/09/19
REV	DETAILS	BY	DATE

Niall Young **ARCHITECTURE LTD.**

32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, EH22 3NX  
T. 0131 660 6599 E. info@nyarchitecture.co.uk F. 0131 663 8771

#### PROJECT:

MR & MRS BRODIE  
79 DURHAM SQUARE  
EDINBURGH  
EH15 1PP

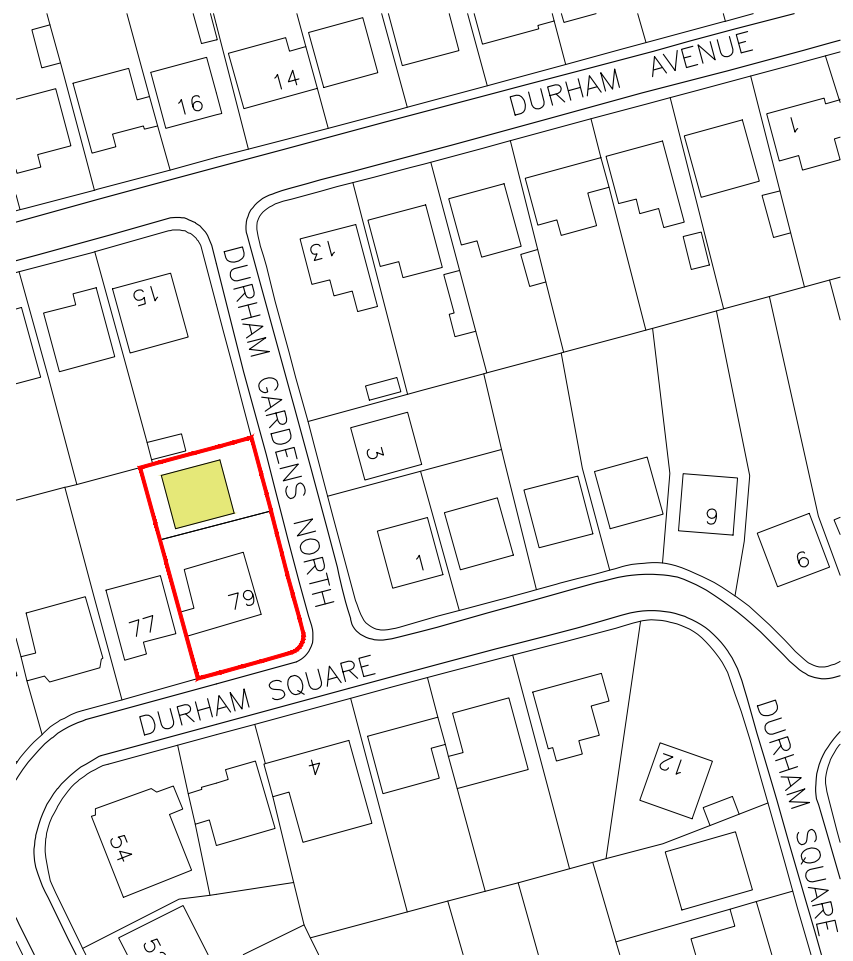
#### DRAWING TITLE:

SITE PLAN - AS EXISTING/PROPOSED  
CONTEXTUAL ELEVATION

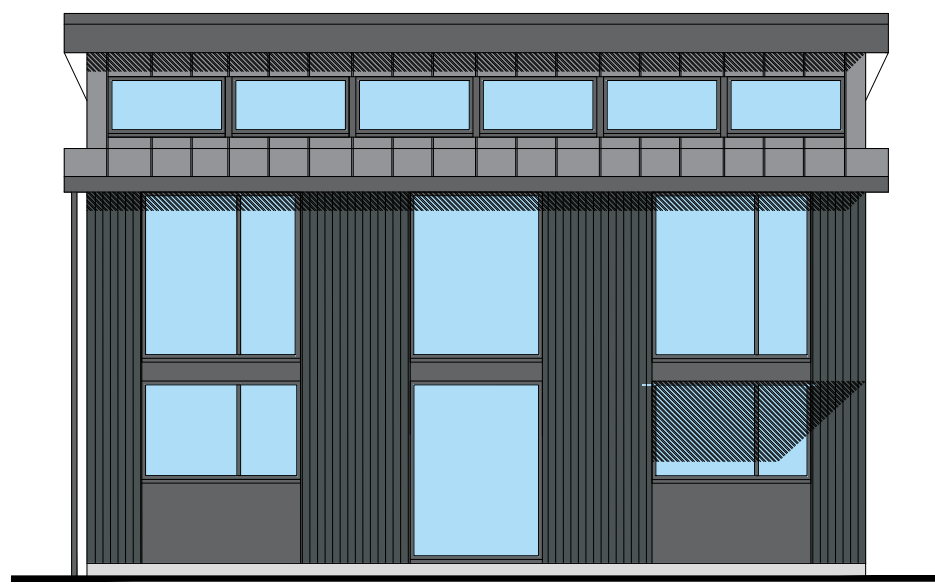
Scale	VARIES@A1		Issue status
Drawn	KS	Checked	NSY
		Date	10/12/19

1795(PA)02B

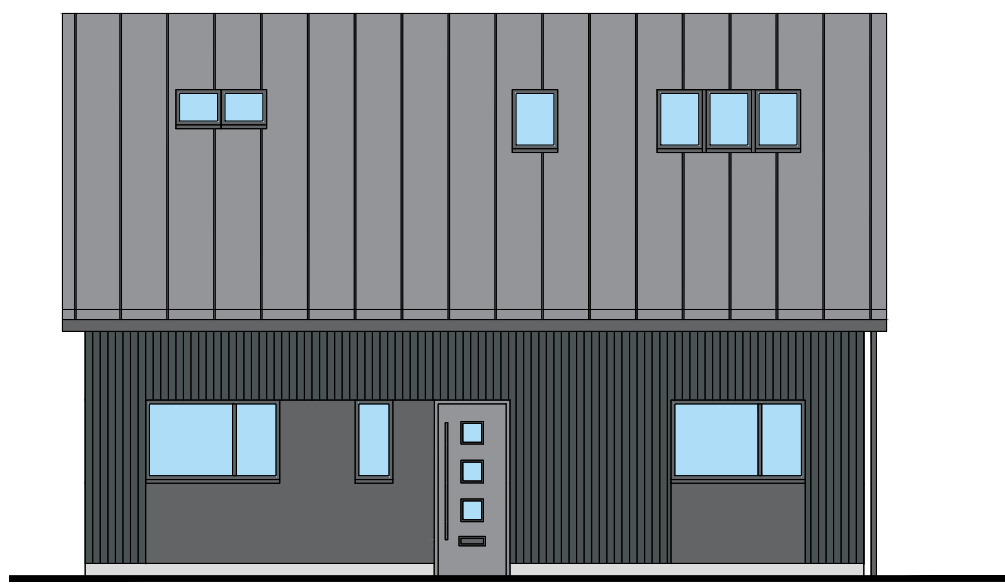




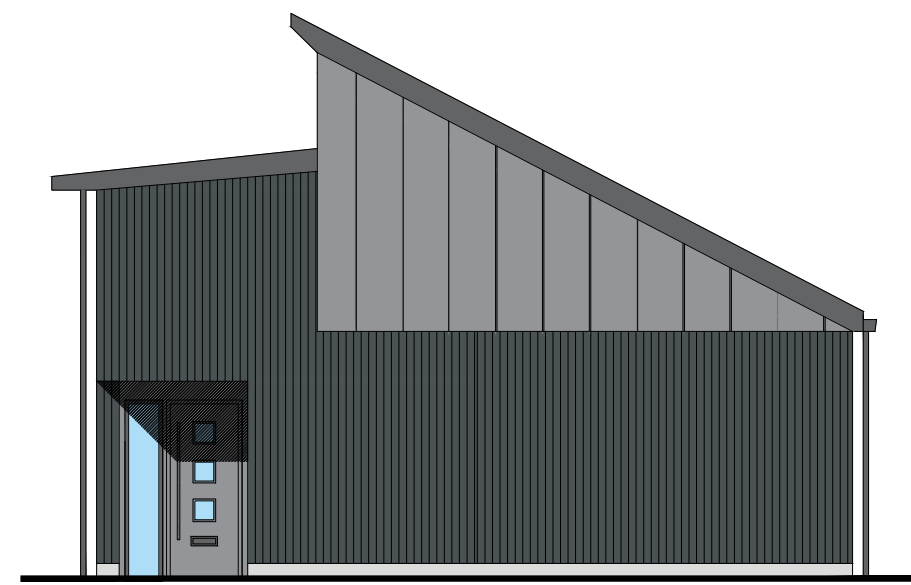
LOCATION PLAN  
1:1250



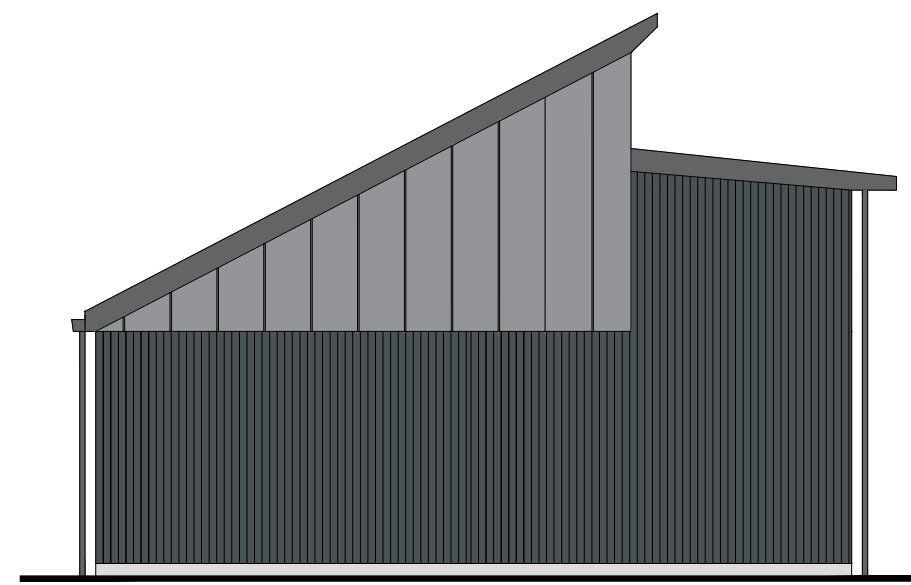
FRONT ELEVATION AS PROPOSED  
1:100



REAR ELEVATION AS PROPOSED  
1:100



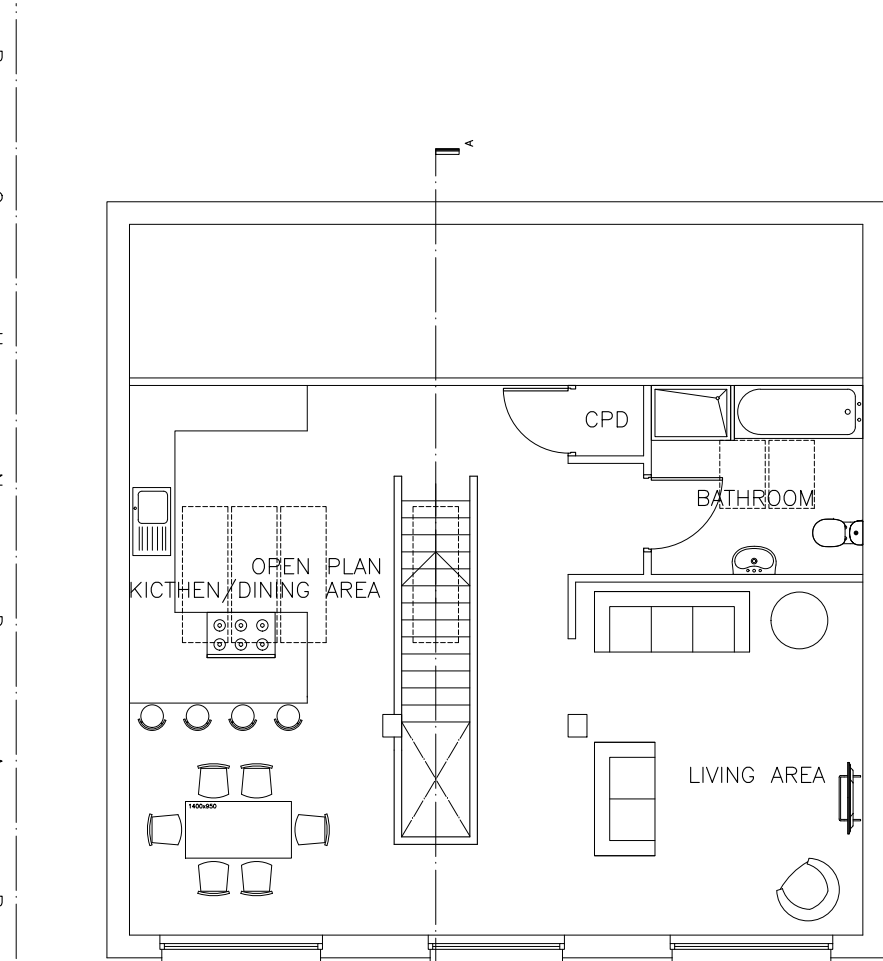
SIDE ELEVATION AS PROPOSED  
1:100



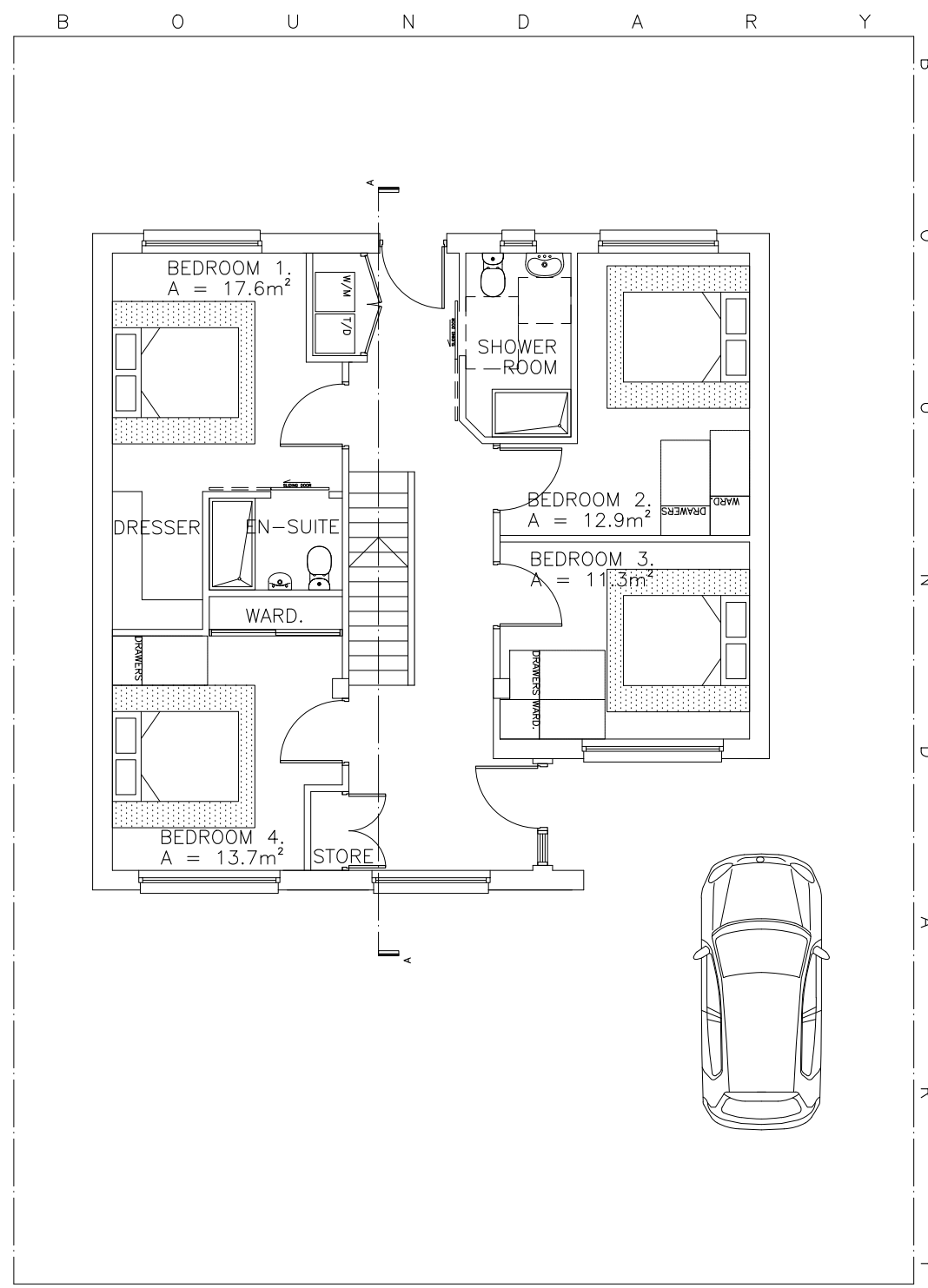
SIDE ELEVATION AS PROPOSED  
1:100



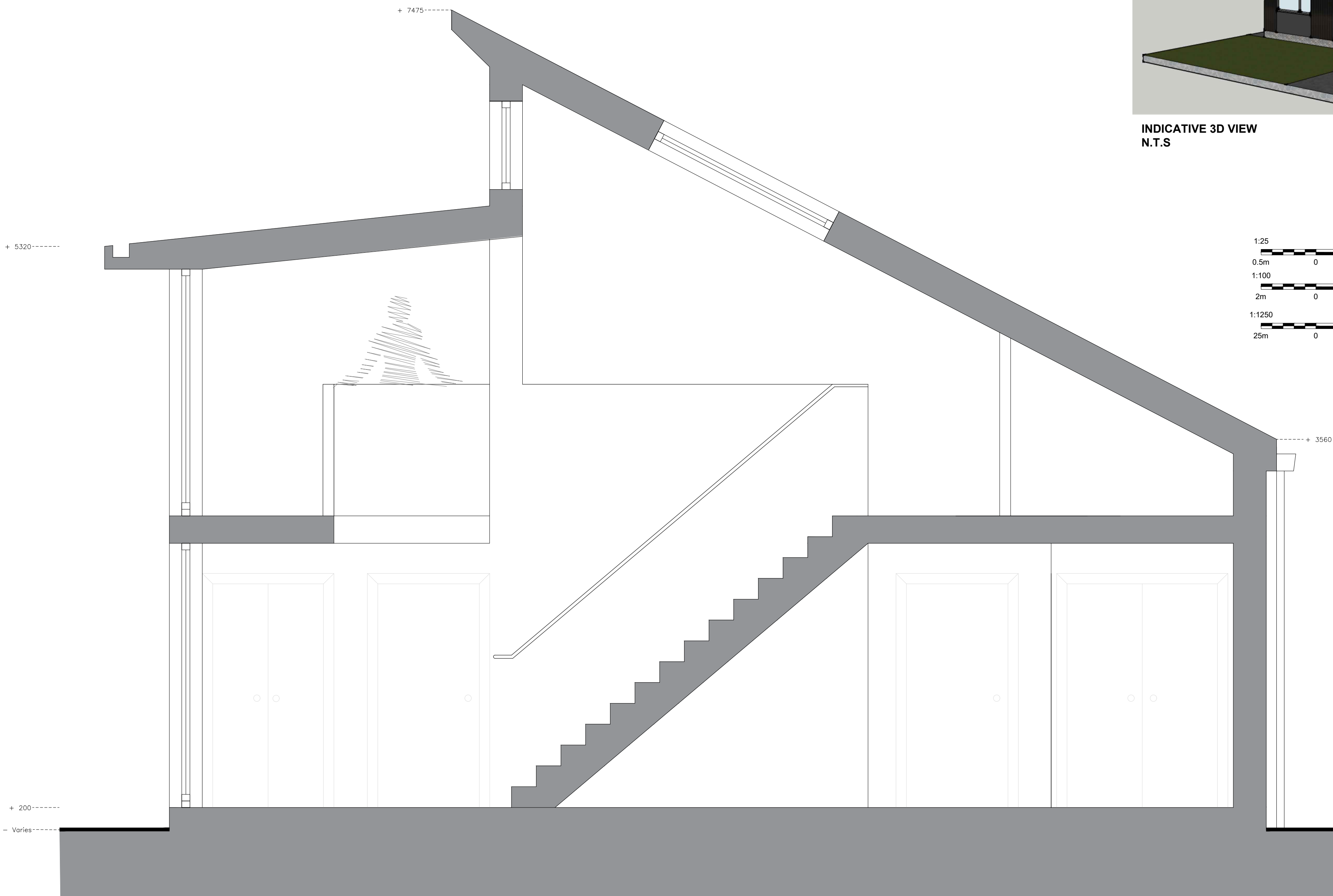
INDICATIVE 3D VIEW  
N.T.S



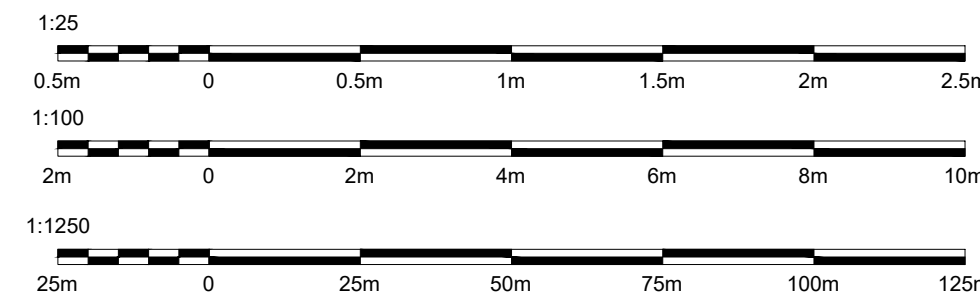
FIRST FLOOR PLAN AS PROPOSED  
1:100



GROUND FLOOR PLAN AS PROPOSED  
1:100



SECTION AS PROPOSED  
1:25



SCHEDULE OF MATERIALS

WINDOWS: Triple glazed; black aluminium frame.  
ELEVATIONS: Timber vertical boarding, black larch.  
ROOF: Sheet metal.

NOTE: THIS DRAWING IS TO READ IN  
CONJUNCTION WITH DRAWING 1795(PA)02B  
AND ALL OTHER RELEVANT INFORMATION.

B	Dimensions and layout amended. Option B Windows removed from side elevations. Positions of windows altered.	FN	04/12/19
A	External wall finish changed from brick and render to black larch timber vertical boarding.	SVS	12/09/19
REV	DETAILS	BY	DATE

Niall Young **ARCHITECTURE LTD.**

32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, EH22 3NX  
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PROJECT:  
MR & MRS BRODIE  
79 DURHAM SQUARE  
EDINBURGH  
EH15 1PP

DRAWING TITLE:  
PLAN, ELEVATIONS AND SECTIONS  
AS PROPOSED

Scale	VARIES@A1	Issue status	PA
Drawn	KS	Checked	NSY
		Date	10/12/19

1795(PA)01B